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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANKIE ALLEN PERAZA,

Defendant.

CASE NO.: 2:14-cr-00229-APG-NJK

**STIPULATION TO CONTINUE
EVIDENTIARY HEARING
(First Request)**

IT IS HEREBY STIPULATED AND AGREED by Defendant Frankie Allen Peraza, by and through his attorney, Thomas A. Ericsson, Esq., and Daniel G. Bogden, United States Attorney, and Cristina D. Silva and Elham Roohani, Assistant United States Attorneys, counsel for the United States of America, that the evidentiary hearing currently scheduled for June 16, 2016, at the hour of 10:00 a.m. be vacated and continued to a date that is convenient to this Honorable Court.

This Stipulation is entered into for the following reasons:

1. The attorneys for the parties have been preparing for and in a federal trial before Judge Dawson in the case of U.S.A. v. Don White (Case 2:15-cr-144-KJD-PAL) and, as a result, are not fully prepared to conduct the evidentiary hearing on June 16, 2016.
2. The parties are available to reschedule the hearing as early as the afternoons of June 21 or 22; the afternoon of June 27; the week of July 5-8; or the afternoons of the week of August 1-5, 2016, if any of those dates are available with the Court's

1 schedule. It is anticipated the evidentiary hearing will be completed in under 90
2 minutes.

- 3 3. Defendant Peraza is in custody and is not opposed to the requested continuance of
4 the hearing date.
- 5 4. The Parties agree to the continuance.
- 6 5. The additional time requested herein is made in good faith and not for purposes of
7 delay.
- 8 6. The additional time requested by the Stipulation is excludable in computing the time
9 within which the trial herein must commence pursuant to the Speedy Trial Act, Title
10 18, United States Code, § 3161(h)(1)(D) and Title 18, United States Code, §
11 3161(h)(7)(A), considering the factors under Title 18, United States Code, §§
12 3161(h)(7)(B)(i), 3161(h)(7)(B)(iv) and 3161(h)(1)(D).
- 13 7. Additionally, denial of this request for a continuance could result in a miscarriage of
14 justice.
- 15 8. This is the first requested continuance of the evidentiary hearing.

16 DATED: June 15, 2016

17 DANIEL G. BOGDEN,
18 United States Attorney

19 /s/ Thomas A. Ericsson

20 Thomas A. Ericsson, Esq.
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24 Attorney for Defendant

25 /s/ Elham Roohani

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28 Las Vegas, Nevada, 89101
Attorney for the United States of America

1
2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**
4

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 vs.

8 FRANKIE ALLEN PERAZA,

9 Defendant.

CASE NO. 14-cr-00229-APG-NJK

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

10 **FINDINGS OF FACT**
11

12 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
13 Court finds:

- 14 1. The attorneys for the parties have been preparing for and in a federal trial before Judge
15 Dawson in the case of U.S.A. v. Don White (Case 2:15-cr-144-KJD-PAL) and, as a
16 result, are not fully prepared to conduct the evidentiary hearing on June 16, 2016.
- 17 2. The parties are available to reschedule the hearing as early as the afternoons of June
18 21 or 22; the afternoon of June 27; the week of July 5-8; or the afternoons of the
19 week of August 1-5, 2016, if any of those dates are **available with the Court's**
20 schedule. It is anticipated the evidentiary hearing will be completed in under 90
21 minutes.
- 22 3. Defendant Peraza is in custody and is not opposed to the requested continuance of
23 the hearing date.
- 24 4. The Parties agree to the continuance.
- 25 5. The additional time requested herein is made in good faith and not for purposes of
26 delay.
- 27 6. The additional time requested by the Stipulation is excludable in computing the time
28 within which the trial herein must commence pursuant to the Speedy Trial Act, Title
18, United States Code, § 3161(h)(1)(D) and Title 18, United States Code, §

3161(h)(7)(A), considering the factors under Title 18, United States Code, §§
3161(h)(7)(B)(i), 3161(h)(7)(B)(iv) and 3161(h)(1)(D).

7. Additionally, denial of this request for a continuance could result in a miscarriage of justice.
8. This is the first requested continuance of the evidentiary hearing.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the evidentiary hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the hearing, taking into account the exercise of due diligence.

ORDER

IT IS THEREFORE ORDERED that the Evidentiary Hearing date in this matter scheduled for June 16, 2016, be vacated and continued to the 27th day of June, 2016 at 12:30 p.m., in Courtroom 3D.

DATED June 15, 2016


UNITED STATES MAGISTRATE JUDGE